

b.) Remarks

Claim 22 has been amended in order to recite the present invention with the specificity required by statute. No new matter has been added.

Claims 21 and 23-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over co-assigned U.S. Patent No. 5,543,415 to Suzuki in view of Goodman & Gilman's (*The Pharmacological Basis for Therapeutics*, 10th Edition (2001) 469). In support of the rejection, the Examiner states Suzuki teaches antidepressants containing xanthine derivatives. Goodman is relied on as showing

“that antidepressants are the leading choices in the treatment of severe anxiety disorders, including generalized anxiety disorder, social phobia and obsessive-compulsive disorder.”

Therefore, the Examiner contends it would be obvious, in view of Goodman, to use Suzuki's antidepressants to treat anxiety disorder, as recited in the pending claims.

This rejection is respectfully traversed. Respectfully submitted, the Examiner has misconstrued the teachings of Goodman.

Goodman teaches that antidepressants are leading choices in the treatment of severe anxiety disorders that are comorbid¹ in depressive illness. That is, Goodman does not suggest or teach using antidepressants to treat anxiety disorder. Rather, Goodman states antidepressants may be used to treat anxiety when accompanied with depression.

However, according to the Merck Manual Home Edition, benzodiazepines (which are not antidepressants) are most commonly used as antianxiety drugs (see, Table

¹ E.g., anxiety disorders present concurrent with and in addition to depression.

in p. 3 of attached reference). Benzodiazepines are indicated for anxiety that is not comorbid with depression.

In any event, regardless of whether or not anxiety stands alone, is accompanied by depression or is even caused by depression, Goodman's general statement regarding antidepressants does not address Applicants' particular xanthine derivatives such as (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-methylxanthine or adenosine A_{2A} receptor antagonists.

To the contrary, it is well-known as per the Merck reference antidepressants are generally not useful for the treatment of anxiety disorders and those of ordinary skill understand this is due to the disparate types of mechanisms underlying various antidepressants. Thus, it could not be expected that the claimed xanthine derivatives including (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-methylxanthine are useful for the treatment of anxiety.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 21-25, 31, 69 and 70 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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